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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,947	11/08/2000	Mark E. Simcik	770-009619-U	7983

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06824

EXAMINER

COSIMANO, EDWARD R

ART UNIT PAPER NUMBER

3629

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/674,947

Applicant(s)

SIMCIK ET AL.

Examiner

Edward R. Cosimano

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 and 24-28 is/are allowed.
- 6) ☒ Claim(s) 7-23 and 29-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. Applicant should note the changes to patent practice and procedure:
 - A) effective December 01, 1997 as published in the Federal Register, Vol 62, No. 197, Friday October 10, 1997; and
 - B) effective November 07, 2000 as published in the Federal Register, Vol 65, No. 54603, September 08, 2000.
2. The drawings are objected to because
 - A) the following errors have been noted in the drawings:
 - (1) The drawings are objected to as failing to comply with 37 CFR § 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:
 - (a) 205-1 through 205-N, & 205-n, as disclosed in the paragraph at page 10, lines 1-12, "As mentioned before, ... 205-1 through 205-N ... 205-n, ... digital signature for that transaction."; and
 - (b) 617, as disclosed in the paragraph at page 18, lines 19-34, "Based on the CRC bits in field 617 ... authorized personnel, as indicated at step 732."
- 2.1 A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
- 2.2 Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect may be deferred until after the examiner has considered the proposed drawing correction. Failure to timely submit the proposed drawing correction will result in the abandonment of the application.
3. The disclosure is objected to because of the following informalities:
 - A) the following errors have been noted in the specification:
 - (1) as can be seen in fig. 3 and from the context of the disclosure at page 10, lines 1-12, "As mentioned before, ... 205-1 through 205-N ... 205-n, ... digital signature for that transaction.", at:
 - (a) line 1 of this paragraph "205-1" should be -225-1--;

(b) line 2 of this paragraph "205-N" should be -225-N--; and

(c) line 4 of this paragraph "205-n" should be -225-n--;

(2) as can be seen in fig. 5 and from the context of the paragraph at page 18, lines 19-34, "Based on the CRC bits in field 617 ... authorized personnel, as indicated at step 732.", at line 1 of this paragraph "617" should be -517--.

(3) the specification lacks a statement of --We claim:--, (see MPEP 608.01(m)).

Appropriate correction is required.

4. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, § 1.84(o,p(5)), § 1.121(a)-1.121(f) & § 1.121(h)-1.121(i).

5. Claims 7-23 & 29-45 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.1 Claims 7-12, 16, 20-23, 29-34, 38 & 42-45 are inoperative and therefore lack utility for the recited purpose of the disclosed and claimed invention, since:

A) in regard to claims 7-12 & 29-34, the preamble of these claims recite a system/method for "generating a code for authenticating a postage indicium". Although a code is generated, the generated code is never used for the purpose of authenticating a postage indicia, hence these claims do not authenticate the postage indicia as recited.

B) in regard to claims 16, 20-23, 38 & 42-45, the preamble of these claims recite a system/method for "conducting a sequence of transactions for generating postage indicia". However, not only is a transaction not processed in these claims, a postage indicia is not generated as recited.

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For as the Court has specifically pointed out, claims must recite utility for the disclosed purpose of the invention, (General Electric Co. V. U.S., 198 U.S.P.Q. 65 (U.S. Court of Claims, 1978), Hanson v. Alpine Valley Ski Area 204 U.S.P.Q. 794 (District Court, E. D. Michigan, N. Div. 1978) and Banning v. Southwestern Bell Telephone C., 182 U.S.P.Q. 683 (SD Tex, 1974)).

5.1.1 Although claims 13-15, 17-19, 35-37 & 39-41 do not contain the above problems, these claims depend from rejected claims.

5.2 For the above reason, applicant has failed to particularly point out what is regarded as the invention.

6. The following is an Examiner's Statement of Reasons for Allowance over the prior art:

A) the prior art, for example:

(1) either Haruki et al (4,632,252) or Szewerenko et al disclose assigning tasks with in a processing system to various units based on the operational demands of the system.

(2) Kanehara (JP 11-27311 A) discloses the use of a number of different encryption devices, the inclusion of an indication of the encryption device used in the transmitted information and the selection a decryption device based on information contained in the transmitted information.

(3) Cordery et al (6,073,125) discloses the selection of one of a number of authentication units based on the key used to produce the authentication information.

B) however, in regard to claims 1 & 24, the prior art does not teach or suggest using a one of a plurality of processors to verify accounting transactions, where the processor used to verify an accounting transaction is associated with a subset of accounting transactions. Claims 2-6 & 25-28 are allowable for the same reason.

C) however, in regard to claims 7 & 29, the prior art does not teach or suggest using a one of a plurality of processors to produce a code based on two distinct computations, where one computation is independent of any of the data elements and the second computation is dependent on at least one data element, where the number of

processors is a function of the duration of the two distinct computations. Claims 8-15 & 30-37 are allowable for the same reason.

D) however, in regard to claims 16 & 38, the prior art does not teach or suggest using one processor to produce various data elements in an ensemble of postage information and selected one of a plurality of processors to generate at least one of the data elements from the ensemble. Claims 17-23 & 39-45 are allowable for the same reason.

7. Claims 13-15, 17-19, 35-37 & 39-41 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112 and to include all of the limitations of the base claim and any intervening claims. As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 C.F.R. § 1.111(b) and section 707.07(a) of the M.P.E.P.

8. The shorten statutory period of response is set to expire 3 (three) months from the mailing date of this Office action.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (703)-308-2702. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (703) 746-7240.

9.2 The fax phone number for OFFICIAL FAXES is (703) 305-7687.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 308-3691.

07/12/03


Edward R. Cosimano
Primary Examiner A.U. 3629